

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

**NOTE:** There are three Extraordinary issues to the Official Gazette, Series II No. 46 dated 16-2-95 as follows:—

- 1) Extraordinary dated 17-2-95 from pages 675 to 676 regarding Notification from Revenue Department.
- 2) Extraordinary No. 2 dated 18-2-95 from pages 677 to 678 regarding Notification from General Admn. & Coordn. Department.
- 3) Extraordinary No. 3 dated 21-2-95 from pages 679 to 680 regarding Notification from General Admn. & Coordn. Department.

### GOVERNMENT OF GOA

#### Education Department

##### Order

No. 20/6/93-EDN

Read: Govt. Order No. 20/6/93-EDN, dated 20-10-94.

The ad hoc appointment of Shri<sup>a</sup> B. K. Sharma, Dy. Director of Technical Education in the Directorate of Technical Education is hereby extended for a further period of six months w.e.f. January, 1995.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 31st January, 1995.

#### Agriculture Department

##### Order

No. 2-17-93-AGR

Read:- 1) Government Order No. 2-17-93-Agr. dated 27-5-94.

2) COM/II/11/2(3)/92 dated 28-12-94.

On the recommendation of the Goa Public Service Commission, sanction of the Government is hereby conveyed for extending the period of ad hoc appointment of Shri Suhas B. Gaitonde, Assistant Chemist (Group "B" Gazetted) in the Directorate of Agriculture for a further period of six months from 4-12-94 to 4-6-95, till the post is filled on regular basis or till extension of further ad hoc appointment whichever is earlier.

By order and in the name of the Governor of Goa.

D. H. Kenowadekar, Under Secretary (Agriculture).

Panaji, 6th February, 1995

#### Department of Cooperation

##### Office of the Asstt. Registrar of Cooperative Societies

##### Notification

No. 5-547-1995/ARSZ/Credit

In exercise of the powers vested in me under Section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, Mormugao Port Town Urban Cooperative Credit Society Ltd., Vasco-da-Gama, Goa is registered under code symbol No. 8-RES-(a)-73/South Goa/95.

Sd/- (R. V. Sail), Asstt. Registrar of Coop. Societies (South Zone).

Margao, 18th January, 1995.

##### Certificate of Registration

Mormugao Port Town Urban Cooperative Credit Society Ltd., Vasco-da-Gama, Goa has been registered on 18-1-1995 and it bears registration code symbol No. 8-RES-(a)-73/South Goa/95 and it is classified as "Resource Society" under Sub-Classification (a) of Clause 8 in terms of Rule 9 of the Cooperative Societies Rules 1962, for the State of Goa.

Sd/- (R. V. Sail), Asstt. Registrar of Coop. Societies (South Zone).

Margao, 18th January, 1995.

#### Department of Labour

##### Order

No. 28/56/84-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Labour).

Panaji, 24th October, 1991.

#### IN THE INDUSTRIAL TRIBUNAL, GOVERNMENT OF GOA AT PANAJI

(Before Shri M. A. Dhavale, Hon'ble Presiding Officer)

Ref. No. IT/58/84

Shri Tony L. Fernandes

— Workman/Party I

V/s

M/s Kadamba Transport Corporation Ltd.

— Employer/Party II

Workman represented by Shri S. V. Cuncolienkar.

Employer represented by Shri P. K. Lele.

PANAJI dated: 20.02.95

## A W A R D

In exercise of the powers conferred by clause (d) of sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947, the Lieutenant Governor of Goa, Daman and Diu by his order No. 28/56/84-ILD dated 25th October, 1984 has referred the following issue for adjudication.

"Whether the action of M/s Kadamba Transport Corporation Ltd., Panaji, Goa, in terminating the services of Shri Tony L. Fernandes, Driver, w.e.f. 12-10-83 is legal and justified?

If not, to what relief the workman is entitled to?"

2. On receipt of this reference IT/58/84 was registered and notices were issued to both the parties and accordingly the parties appeared and submitted their pleadings.

3. In the statement of claim filed by Party I-Shri Tony L. Fernandes (hereinafter called as the 'workman'), he has averred as follows:

The workman was employed on permanent basis as a driver for Party II-M/s Kadamba Transport Corporation Ltd., (hereinafter called as 'Corporation'), under an appointment letter dated 17-1-1982. However, his services were illegally terminated and hence he raised a dispute before the Asst. Labour Commissioner, Panaji, u/s 2A of the Industrial Disputes Act. The joint discussions were held before the ALC, and finally on 31st Jan., 1983 an amicable settlement was arrived at, and the workman was reinstated in service. However, it is the say of the workman that in violation of the terms of the settlement dated 4-3-83 the Corporation again instituted a domestic enquiry and suspended him from service. It was also ordered that he should be paid subsistence allowance during suspension. The enquiry was conducted on 7th Oct., 1982 on the charges noted in the Annexure. The Inquiry Officer held that the charge at Sr. No. 1 was not proved beyond doubt. However, a charge at Sr. No. 2 in Annexure II was proved and hence a show cause notice was given to the workman. However, even before the expiry of the date of the show cause notice a dismissal order was issued on 12-10-83 by the Corporation. Thereafter the workman referred the matter to the Labour Commissioner at Panaji, by his letter dated 19-10-83. Hence the Government was pleased to make the above referred reference to this Tribunal.

4. It is the say of the workman that the order of termination is illegal, mala fide, null and void. It has been averred that the Corporation's action in summarily terminating the services of the workman is a clear adoption of unfair labour practices and it also shows a case of bias on the part of the management. It has been averred that the Corporation committed a breach of the settlement which was arrived at before the Asst. Labour Commissioner. It has been also averred that the enquiry conducted by the Department is not in conformity with the law and rules framed under the Law of Departmental Inquiries. The report of the Inquiry Officer was also not based on proper appreciation of evidence. Finally, it has been contended that since the termination of the workman's services is bad in law, he should be given the relief of reinstatement with full back wages.

5. Party II-Corporation by its written statement resisted the workman's claim contending inter alia as follows:

Party II-M/s K.T.C. Ltd., is a public limited company incorporated under the Companies Act, 1956 which is carrying on business of a road transport industry in the Union Territory of Goa, Daman & Diu and other adjoining States. Party I-Tony L. Fernandes was appointed as a Driver under a letter dated 5-3-82. As per the terms of the appointment letter the workman was to be on probation for an initial period of 6 (six) months which could further be extended without any right of confirmation or permanency. Within about 4 months after the workman was appointed and during his probation period the Corporation received a complaint and report about his mis-behaviour such as involvement in illegal act of transporting liquor in the Corporation's buses, which the workman was driving in route to Bombay on 28-6-82. When the investigation of the said complaint was going on the workman was asked not to perform driving duty and instead he was directed to report to the office as a spare driver. While he was asked to report at the Head Office, he indulged in further disorderly behaviour amounting to misconduct of insubordination, indulging in abusive language and even attempting to assault the officers of Management on duty. As the above referred complaints were

of a serious nature the workman who was on probation was discharged from services under a letter dated 30-10-82. After the workman was discharged he raised an industrial dispute before the Commissioner, Labour and Employment, Govt. of Goa, Daman and Diu under his letter dated 17-1-83. However, a settlement was arrived at before the Asst. Labour Commissioner. As per the terms of the settlement the Corporation agreed to reinstate the workman and eventually, he was reinstated. However, as per term No. 3 of the settlement it was agreed between the corporation and the workman that the reinstatement contemplated in the said settlement was without prejudice to the management's right and discretion to initiate disciplinary proceedings or conduct domestic enquiry in the charges and the cases pending against the workman on the date of reinstatement. In compliance to the aforesaid clause, a domestic enquiry was held and the workman was suspended. The enquiry was conducted by Mr. K. N. S. Nair, Officer on special duty. The enquiry was conducted on several dates and finally concluded on 30-8-90. Shri Nair submitted his report and findings on 22-9-83. He held that the charge in Annexure I was not proved beyond doubt, however the charge in Annexure II was proved. The Managing Director of the Corporation concurred with the findings of the Inquiry Officer and eventually he passed an order of dismissal.

6. Thus, it has been contended that the services of the workman were terminated only after giving him full opportunity of being heard and defended in domestic enquiry wherein all the principles of natural justice were duly observed. The enquiry was held by an impartial I. O. and the workman had fully participated in the enquiry proceedings. It has been contended that although the workman was still on probation, still he indulged in misconduct and mis-behaviour whereby the Corporation found it impossible to continue him in service. Hence it has been contended that the order of termination passed against the workman is perfectly legal and justified and the workman is not entitled to claim any relief whatsoever.

7. The workman did not file any rejoinder and hence my learned Predecessor (Dr. Renato Noronha) framed the following preliminary issue, besides the issues involved in the order of reference.

"Whether the employer proves that the domestic enquiry held against the workman is fair, in conformity with law and with due compliance of the principles of natural justice?"

The above referred issue which was treated as preliminary issue came up for decision before my learned Predecessor Shri S. V. Nevagi who by his order dated 23-8-88 held that the domestic enquiry held against the workman was not fair, and proper and consequently he held that the entire matter be heard on merits by giving full opportunity to the parties to lead additional evidence in this case, to sufficiently prove the charge of misconduct and mis-behaviour amounting to insubordination. It has been further directed that after the evidence is led, this Court will go into the Government's reference to consider whether the termination of the services of the workman, Driver is legal and justified.

8. Pursuant to the said order, the parties led oral and documentary evidence and on considering the same, I now proceed to consider the main issue referred to this Tribunal for adjudication. In the first instant, it has been urged by Shri S. V. Cuncoienkar for the workman that in view of the settlement arrived at before the Asst. Labour Commissioner, the question of terminating the services of the workman has been finally decided. He has made a pointed reference to para 4 in the settlement which reads thus:

"After having discussed the matter in dispute, finally during the conciliation proceedings held on 1-3-83 parties arrived at an amicable settlement on the following terms" (underlining is mine for emphasis).

9. Now, it has been urged by Shri Cuncoienkar that in as much as an "amicable settlement" was arrived at between the parties before the A.L.C., the Corporation was not justified in holding an enquiry and finally terminating the workman's services. However, at the outset it will have to be stated that the aforesaid referred submission made by Shri Cuncoienkar cannot possibly be accepted in view of the clear and unequivocal terms on which the settlement at. The settlement deed can be found at Exb. D. Now it is no doubt true that the first term in the settlement lays down in substance that the Corporation shall reinstate the workman-Shri Tony L. Fernandes with immediate effect

his evidence could not be had before us. However, the employer has examined two witnesses namely Mangaldas Dattaram Shirodkar and Krishnaji Ramchandra Hari. Now, workman in his evidence has stated that on 21st Oct., 1982, he was marked absent as he was late by 5 minutes. Hence Tari asked him to contact Mathias. Tari told him that he was late by 30 minutes and thereafter there was an argument between him and Tari. He then went before Mr. Mathias but asked him to go out. He was followed by Mr. Mathias and thereafter some discussion between him and Mathias took place. However, he has denied to have indulged in any abusive or threatening words and has also denied to have scuffle with Mathias. However, significantly he has admitted that the two witnesses namely Mangaldas Shirodkar and Krishnaji Ramchandra Hari were present when the aforesaid incident took place. In his cross examination he has denied the suggestion that he angrily asked Mathias as to why he was marked absent and then he threw the card on the table of Mathias. He has also denied to have threatened Mathias. This is the only evidence given by the workman for disproving the 2nd count of charge.

16. As against this evidence, the Corporation has examined Mangaldas Dattaram Shirodkar who in his evidence has clearly narrated the incident which occurred in the morning of 22nd October, 1982. He has stated that on the previous day Driver Tony Fernandes had gone home earlier before his duty hours and hence D.T.O., Mathias was searching for him. Hence D.T.O. asked this witness to mark the Driver absent. On the next day when the workman appeared before this witness, he told him that the D.T.O. Mathias had instructed him to mark him absent on the previous day. Hence the workman went to D.T.O. and asked him as to why he was marked absent. Both of them starting talking loudly. Thereafter this witness has stated thus:

"I also saw that the driver Tony Fernandes rushed towards the D.T.O. Mathias to assault him. Myself and Hari then went ahead and separated Tony Fernandes".

There is absolutely nothing in his cross examination to dislodge the aforesaid assertions made by this witness in his examination in chief. It is also not shown that this witness had any animus against the Driver. To the same effect there is the evidence of Krishnaji Ramchandra Hari. He was also present at the material time when the incident took place. It may be recalled that his presence is admitted even by the workman in his evidence. On the material point he has stated thus:

"While I was taking the class I heard some commotion outside the class and so I went out to see what the matter was. I heard that Tony Fernandes was asking the D.T.O. why any duty was not assigned to him,..... thereafter the D.T.O. went into his office and I went and took Tony Fernandes aside who was shouting loudly."

In his cross examination he has stated that the Driver and D.T.O. were of the distance of 10 feet away from him. This circumstance clearly shows that he had every opportunity to see and hear what the matter was going on. Nothing else has been proved, may not even suggested in his cross examination which would go to prove that he was not an eye witness to the incident in question or that he is giving false evidence, on account of any previous grudge against the driver. The last witness examined by the Corporation is Shri Damodar Kamat who was also present along with D.T.O. in his cabin. He has stated that the workman entered in the cabin and questioned D.T.O. as to why he was marked absent that day. Then Mathias advised the workman to go and enquire with the Duty Officer. However Tony Fernandes insisted upon knowing the reason from Mathias only. Thereafter he has stated thus:

"The workman driver then came forward and in an offensive manner threw the duty card on the table of Mathias. To this Mathias reiterated by throwing the card down from his table. While departing from the cabin the driver Tony Fernandes said that Mathias was posing like that because he was sitting in the cabin and that he would show what were the things if he came out of the cabin. All these were said by him in a threatening manner."

In his cross examination he has stated that he had seen Mathias leaving the cabin and that time he would hear the talk which was going on in loud tone.

17. Thus considering the above referred evidence there can be absolutely no doubt to conclude that on 22-10-83 the workman-driver had gone inside the cabin of D.T.O. Mathias and he behaved in a disorderly manner by using abusive and

threatening words to his superiors in the presence of other co-workers. In view of this conclusion, I hold that the 2nd count of charge levelled against the workman is also squarely proved.

18. Thus, considering my findings in the foregoing paras, it follows that in as much as both the charges levelled against the workman were squarely proved, the Corporation was thoroughly justified in terminating the services of the workman-Driver. Now, it has been urged by Shri Cuncolienkar that the punishment of termination of service imposed upon the workman is too harsh and to support his submission in this behalf he has referred to some of the rulings including a ruling of our High Court reported in II LLJ 191 (Sudhakar v/s The Additional Registrar, High Court, Bombay & Ors). Now, in this ruling as well as in the other two three rulings relied upon by Shri Cuncolienkar, it has been observed that the extreme punishment of termination of service for simple misbehaviour is too harsh, and cannot possibly be maintained. However, the observations and the final decisions in the aforesaid rulings are of no assistance to Shri Cuncolienkar in as much as I have found that the workman was guilty of a serious mis-conduct in possessing and transporting of 29 liquor bottles in his bus. He was also found guilty and convicted by the competent court whose decision is final. In view of this state of affairs, although for a moment it can be assumed that the extreme punishment of termination of services for disorderly behaviour is too harsh, still on the proof of a grave or serious mis-conduct in committing an offence under the Excise Act of possessing and transporting liquor in a public vehicle, it cannot be said that the punishment of termination of services is not in consonance with the gravity or seriousness of the mis-conduct proved against the Driver. It has been rightly pointed out by Shri Lele that within a very short time after Tony Fernandes was appointed on probation as a driver, he ventured to commit serious offence under the Excise Act and further indulged in the acts of insubordination which are more than enough to justify the punishment imposed upon him by the Corporation.

19. Thus, considering the facts and circumstances in this case, I hold that the action of M/s Kadamba Transport Corporation Ltd., Panaji, Goa in terminating the services of Shri Tony Fernandes, Driver with effect from 12-10-83 is perfectly legal and justified and hence he is not entitled to any reliefs whatsoever. I, therefore, answer the issues accordingly and pass the following order.

#### ORDER

It is hereby declared that the action of M/s Kadamba Transport Corporation Ltd., Panaji, Goa, in terminating the service of Shri Tony L. Fernandes, Driver, with effect from 12-10-83 is legal and justified and hence Party I-Workman is not entitled to any relief whatsoever.

No order as to costs. Inform the Government accordingly.

Sd/-

(M. A. DHAVALÉ)

Presiding Officer  
Industrial Tribunal

Notification

No. 28/20/80-LAB

Whereas the Government of Goa is satisfied that public interest so requires that the services in respect of the Milk Supply Scheme of the Goa District Milk Producers' Union, Curti, Ponda, Goa (hereinafter called as the 'said service') should be declared as public utility service for the purposes of the Industrial Disputes Act, 1947 (Central Act of 1947) (hereinafter called the 'said Act').

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the said Act, the Government of Goa hereby declares the said service to be a public utility service for the purposes of the said Act, for a period of six months with effect from the date of publication of this Notification in the Official Gazette.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Labour).

Panaji, 9th February, 1995.

etc. However, this seems to be an immediate relief which was given to the workman but the question of his mis-conduct and mis-behaviour was not finally decided before arriving at the above referred term in the settlement. This view of mine is fortified by the subsequent clause appearing in Exb. D. Term 3 in the settlement deed lays down thus:

"It is further agreed between the parties that the re-statement of Shri Fernandes is without prejudice to the employer's right and discretion to initiate disciplinary proceedings or conduct domestic enquiry for any of the alleged charges or cases pending against him as on date."

The above referred term totally negatives the submission made by Shri Cuncolienkar. At the cost of repetition, I would say that by way of immediate relief, the workman was reinstated but his mis-conduct and mis-behaviour were yet to be decided and hence although the word "amicable settlement" appears in Exb. D. still that does not enable the workman to agitate that in view of the amicable settlement he should not have been discharged from service. I, therefore reject the first submission made by Shri Cuncolienkar for challenging the order of termination.

10. Now, as I have stated earlier, my learned Predecessor was pleased to hold that the domestic enquiry held against the workman was not fair and proper and hence by his direction in the said order the parties led oral and documentary evidence to substantiate their rival contentions. Now, Shri Lele, the learned representative of the Corporation has invited my attention to some of the observations of their Lordships of the Supreme Court in the case of the workmen of M/s Fire Stone Tyre & Rubber Co. of India Pvt. Ltd., v/s The Management and others reported in 1973 LAB I.C. 851. At para 44 of the said judgement at page 867 their lordships have considered the true connotation of the expression of 'materials on record' occurring in the Proviso of Sec. 11-A of the Industrial Disputes Act and have observed thus:

"On the other hand, the 'materials on record' in the Proviso must be held to refer to materials on record before the Tribunal. They take in—

- (1) the evidence taken by the management at the enquiry and the proceedings of the enquiry, or
- (2) the above evidence and in addition any further evidence led before the Tribunal, or
- (3) evidence placed before the Tribunal, for the first time in support of the action taken by an employer as well as the evidence adduced by the workman contra."

Thus relying on the aforesaid observations, it is evident that I will have to take into account the evidence that has been led before the Tribunal in proof of the charges levelled against the workman. Now, it has been urged by Shri Cuncolienkar that the Inquiry Officer held that the charge at serial No. 1 i.e. possession and transport of liquor was not proved beyond a reasonable doubt and hence relying upon the aforesaid finding of the I. O., it has been urged that the Tribunal can now only consider as to whether the order of termination passed on the proof of 2nd charge of mis-behaviour can possibly be sustained. However, it is impossible to subscribe to this submission made by Shri Cuncolienkar for the obvious reason that after the domestic enquiry has been once held to be not fair and proper it follows that the report and the findings of the I. O. cannot possibly be taken into account by the Tribunal. Now, the workman had previously contended that the domestic enquiry was not fair and proper and his contention was upheld by my learned Predecessor. In view of the matter it follows that once the enquiry is held to be not fair and proper, the workman cannot take benefit of one of the findings of the Inquiry Officer. That is certainly blowing hot and cold in the same breath. Thus the position comes to this: When the inquiry is set aside by the Tribunal, the Tribunal will have to consider for itself, the evidence tendered before it for finding out whether the charges levelled against the workman have been squarely proved; on the basis on which the order of termination can be justified. It is on these premises I now proceed to consider the evidence led before me in proof of the two charges levelled against the workman.

11. Now Annexure to Exb. F. gives the details of the charges levelled against the workman. In substance Annexure I lays down that workman-Tony Fernandes, Driver was found possessing and transporting 29 bottles of liquor in violation of the law in force and in total disregard to the

instructions given by the Corporation regarding the Code of Conduct to be observed by driver on duty.

12. Now to prove the aforesaid charge the Corporation has led oral as well as documentary evidence. On the other hand the workman has examined himself but he has not led any other evidence. Now, it is very significant to note that even in his examination in chief by Shri Cuncolienkar the workman has admitted thus:

"The liquor was found in the cabin in which I was the Driver."

Now, even in chief examination, he has not uttered a single word indicating that the liquor bottles found in the cabin were not his and that he was not aware of the existence of two containers containing liquor bottles. On the other hand, at the cost of repetition, I would say that even in examination in chief he has admitted that the liquor was found in the cabin of the bus which he was driving. Thus, he has not made any positive statement disclaiming the prohibited articles found in the cabin of the bus in which he was the Driver. Over and above in his cross examination he has further admitted thus:

"I was charge sheeted since some liquor was found in the cabin of the bus which I was driving..... I was prosecuted in the Court of Judicial Magistrate. I was convicted and fined. I did not prefer any appeal against the order of conviction."

Thus, relying on the aforesaid candid admissions given by the workman, there cannot be any doubt to hold that 29 bottles of liquor were found in the cabin of the bus. The workman was prosecuted in a competent Criminal Court and was eventually convicted and fined. It is also an admitted fact that since the workman did not prefer any appeal against the order of conviction, the learned Magistrate's order is now final. The certified copy of the judgment in Excise case No. 119/82/B has been produced at Exb. 6 which clearly shows that the learned Magistrate held the workman driver guilty u/s 8 r/w 30(a) and 5. r/w 35 A of the Act and was sentenced to pay a fine of Rs. 250/- i/d to undergo S. I. for 15 days.

13. Now, the admissibility and relevancy of the Criminal Court's judgment in proof of the charges levelled against the workman cannot possibly be questioned. The Criminal Court's judgment is relevant in proof of the fact that the workman was prosecuted and eventually convicted, which conviction has now become final. Shri Lele has also relied upon a ruling reported in 1989 CLR 330 (National Textile Co. v/s State of U. P.) to support his submission that the decision of the Criminal Court will have to be taken into account by the Tribunal. Thus, the aforesaid decision conclusively establishes the charge levelled against the workman. Apart from this evidence, the Corporation has also examined the Excise Inspector by name Shri Manuel Jose Alphonso who detected the offence committed by the workman and eventually lodged a complaint in the Criminal Court. His evidence further reveals that 29 bottles of liquor were found in two bags. Very significantly, on one of the two bags, the name of the present workman by name Tony Fernandes appeared. This circumstance further fortifies the conclusion that the liquor bottles belonged to the workman whose name appeared on one of the two bags.

14. Thus, considering the aforesaid evidence, I hold that the Corporation has successfully proved the first charge against the workman in regard to the possession and transport of 29 bottles of liquor in the bus which he was driving. Now, this count on the part of the workman is certainly mis-conduct which has been duly proved by the Corporation.

15. The second count of charge relates to the mis-behaviour which has been detailed in Annexure II in the enquiry papers. In substance in the said charge, it lays down that on 22nd October, 1982 the workman Tony Fernandes entered into the cabin of the Divisional Traffic Officer in a disorderly manner and indulged in abusive and threatening language. It has been also alleged that when the Divisional Traffic Officer went on the ground floor, Shri Fernandes made an attempt to attack him. Thus it has been alleged that the workman was guilty of wilful insubordination and riotous or disorderly behaviour during the working hours. Now, in proof of the aforesaid charge, the Corporation has led the evidence of the material witnesses. Now at the relevant time Shri Mathias was the D. T. O., against whom the workman committed the aforesaid acts. Now, unfortunately, Mr. Mathias expired during the pendency of this case and hence

## Finance (Expenditure) Department

## Order

No. 6/1/92/Fin(Exp)/Vol. I

On the recommendation of the Goa Public Service Commission, the Government is pleased to promote the following Accountants of the Common Accounts Cadre to the post of Assistant Accounts Officer in the pay scale of Rs. 2000-60-2300-EB-75-3200 on officiating basis with immediate effect and post them on the posts indicated against their names:—

Sr. No.	Name of the Official and present posting	Posted on promotion as
1	2	3
1.	Shri R. B. Mardolkar, Accountant, Directorate of Accounts, Panaji.	Assistant Accounts Officer, Directorate of Accounts, Panaji against the vacant post.
2.	Shri Francisco A. Soares, Accountant, Office of Dy. Conservator of Forest, South Goa, Margao.	A. A. O. Directorate of Accounts, South Branch, Margao against the vacant post.
3.	Shri Gregorio Rodrigues, Accountant, Office of Dy. Director of Transport (North), Panaji.	Assistant Accounts Officer, State Directorate of Craftsmen Training, Panaji vice Shri Joseph Noronha, transferred.
4.	Shri Shashikant D. S. Gaitonde, Accountant, Directorate of Accounts, Panaji.	Assistant Accounts Officer, Directorate of Social Welfare, Panaji against the post vacated by Shri R. G. Kamat Shankhwalkar on his voluntary retirement.

2. The promoted officers shall be on probation for a period of two years in the first instance.

3. The officers shall exercise an option in regard to pay fixation in terms of F. R. 22 I (a) (1) within one month from the date of issue of this order.

4. In view of the writ petition led by some of the Accountants in connection with their eligibility for promotion and the High Court's interim Order passed on 19-8-93, the promotion of these Accountants to the post of Assistant Accounts Officer will be subject to the result of the petition.

5. The Government is further pleased to order the following transfers and posting of the A.A.O.'s of the Common Accounts Cadre as indicated against each:—

Sr. No.	Name of the Officer and present posting	Posted as
1	2	3
1.	Shri Joseph Noronha, A. A. O. State Directorate of Craftsmen Training, Panaji.	Assistant Accounts Officer, Directorate of Technical Education, Porvorim, vice Shri Yeshwant Hegde transferred.
2.	Shri Yeshwant Hegde, A. A. O. Directorate of Technical Education, Porvorim.	Assistant Accounts Officer, Directorate of Accounts, South Branch, Margao vice Shri D. J. Naik, A.A.O. transferred to Goa University on deputation basis vide order No 6/5/91-Fin(Exp)/Part dated 23-12-94.

On joining their new assignments, the officers shall send C.T.C./Joining report to Finance (Expenditure) Department immediately for record.

By order and in the name of the Governor of Goa.

S. V. Madkaikar, Under Secretary (Finance Exp.).

Panaji, 17th January, 1995.

## Finance (Revenue &amp; Control) Department

## Notification

No. 5/1/93-Fin (R&amp;C) (A)

In exercise of the powers conferred by sub-section (1) of section 10A of the Goa Sales Tax Act, 1964 (Act 4 of 1964) (hereinafter called the "said Act"), the Government of Goa, having considered it necessary so to do in the public interest, hereby exempts the sales of goods (not being motorcars or their spare parts and accessories and motor spirit) to Consul General of Portugal in Goa stationed at Panaji, from the payment of the whole of the tax/additional tax payable under the said Act subject to the condition that the selling dealer furnishes to the appropriate Assessing Authority a declaration in the prescribed Form 'A' appended hereto, issued by Consul General of Portugal in Goa declaring inter alia, that the goods are purchased for Official use.

(FORM - "A")

Declaration by the Consul General of Portugal in Goa purchasing goods for official use.

I, ..... the Consul General of Portugal in Goa, stationed at Panaji, do hereby declare that I have purchased the goods mentioned in the bill/invoice, cash memo No. .... dated ..... of Messers ..... as described below for official use.

Description of Goods

Place:

Signature:

Date:

Status:

\*To be signed by the Consul General of Portugal in Goa stationed at Panaji.

By order and in the name of the Governor of Goa.

S. V. Madkaikar, Under Secretary (Finance Exp.).

Panaji, 14th February, 1995.

## Notification

No. 5/1/93-Fin (R&amp;C) (C)

In exercise of the powers conferred by sub-section (1) of Section 10A of the Goa Sales Tax Act, 1964 (Act 4 of 1964) (hereinafter called the "said Act"), the Government of Goa having considered it necessary so to do in the public interest, hereby exempts the sales of any goods to Diplomatic Officers stationed at New Delhi, during their visit to any part of the State of Goa, when bought with the approval of Ministry of External Affairs, Government of India, New Delhi, for construction and/or renovation of Embassy properties at New Delhi, from the payment of the whole of the tax/additional tax payable under the said Act subject to the condition that the selling dealer furnishes to the appropriate Assessing Authority a declaration in the prescribed Form-C appended hereto, issued by the Diplomatic Officer declaring, inter alia, that the goods are purchased with the prior approval of the Ministry of External Affairs, Government of India, New Delhi.

(FORM - "C")

Form of Declaration to be signed and delivered by a Diplomatic Officer, stationed at New Delhi, visiting the State of Goa and purchasing goods, for construction and renovation of Embassies properties at New Delhi.)

I, (name and designation of the Diplomatic Officer) ..... of (Name of the Country) ..... stationed at New Delhi, do hereby declare that I have, with the prior approval of Ministry of External Affairs, Government of India, New Delhi, vide their letter/Note No. .... dated the ..... purchased the goods, specified in



Bill/Invoice/Cash Memo No. .... dated the ..... of  
Messrs (Name and address of the selling dealer) .....  
..... and described below, for construction and/or  
renovation of Embassy properties at New Delhi for the use  
of my Embassy.

Description of goods purchased

\*\*Signature of the Diplomatic

Officer: .....

Status .....

\*\*( To be signed by the Diplomatic Officer or any person  
authorised by him for the purpose ).

Countersigned.

For the Secretary to the

Embassy of .....

in India at New Delhi.

Place: .....

By order and in the name of the Governor of Goa.

S. V. Madkaikar, Under Secretary (Finance Exp.).

Panaji, 14th February, 1995.

#### Notification

No. 5/1/93-Fin (R&C) (i)

In exercise of the powers conferred by sub-section (1) of section 21 of the Goa Tax on Luxuries (Hotels and Lodging Houses) Act, 1988 (Act 17 of 1988) (hereinafter called the "said Act") the Government of Goa, having deemed it necessary so to do in the public interest, hereby exempts from the payment of the whole of the tax payable under the said Act, on the receipts towards luxuries provided thereto, to the Consul General of Portugal in Goa, stationed at Panaji, subject to the condition that the Hotelier furnishes to the appropriate Assessing Authority a declaration in Form "A" appended hereto, issued by the Consul General of Portugal in Goa, stationed at Panaji.

( FORM - "A" )

**Declaration by the Consul General of Portugal in Goa, stationed at Panaji, for claiming exemption from payment of Luxury Tax.**

I, ..... Consul General of Portugal in Goa, stationed at Panaji, do hereby declare that the luxuries mentioned in Bill/Invoice/Cash Memo No. .... dated ..... of Messrs (Name of the Hotelier) ..... were provided to me.

Place: ..... Signature: .....

Date: ..... Status: .....

By order and in the name of the Governor of Goa.

S. V. Madkaikar, Under Secretary (Finance-Exp.).

Panaji, 14th February, 1995.

## Law (Establishment) Department

Order

No. LS/1077/93

The Government of Goa is pleased to appoint Shri Carlos A. Ferreira, Advocate, Margao as Additional Government Advocate, to appear in the matters before the High Court of Judicature at Bombay Panaji Bench Goa with immediate effect and until further orders.

By order and in the name of the Governor of Goa.

Anthony Ferrao, Under Secretary (Law).

Panaji, 8th February, 1995.

## LEGISLATURE SECRETARIAT

Order

No. LA/B/Esst/355/1995

In pursuance of Rule 4 (2) of the Goa Legislature Secretariat (Recruitment and Conditions of Service) Rules, 1988. Shri S. M. Risbud, Reporter of Goa Legislature Secretariat, Panaji is hereby promoted as Chief Reporter Group 'B' (Gazetted) in the Legislature Secretariat on ad hoc basis in the pay scale of Rs. 2000.60-2300-EB-75-3200-100-3500 w.e.f. 5th August, 1994 (F.N.).

The promotion is made against the post of Chief Reporter created vide order No. LA/B/Estt/1727/1994 dated 6th July, 1994 and subsequently reclassified vide order No. LA/B/Estt/344/1995 dated 9th February, 1995.

The above promotion is being made on ad hoc basis and will not confer any right for regular promotion.

The expenditure on account of this be debited to the Budget Head "2011-Parliament/State/Union Territory Legislature; 02 State/Union Territory Legislature; 103-Legislature Secretariat; 01-Legislature Secretariat of State; 01-Salaries."

This order supersedes earlier order No. LA/B/Estt/2020/1994 dated 8th August, 1994.

By order and in the name of the Governor of Goa.

U. M. Desai, Under Secretary (Legislature).

Panaji, 10th February, 1995.